

complaint in the United States District Court for the District of New Mexico naming Intel as a defendant (collectively, the “Complaints”), copies of which are attached;

WHEREAS, each of the Complaints alleges that Intel monopolized the worldwide market for x86 microprocessors and contains allegations that are largely identical to those in the other Complaints and in the First Amended Consolidated Complaint (D.I. 13 in No. 04-485) filed in MDL No. 05-1717 by the plaintiffs named therein (“Class Plaintiffs”) on April 28, 2006;

WHEREAS, on November 28, 2007, Class Plaintiffs filed a notice with the Judicial Panel on Multidistrict Litigation identifying *Cunningham v. Intel Corp.* and *Candelaria v. Intel Corp.* as tag-along actions in MDL No. 05-1717;

WHEREAS, additional plaintiffs may later file class action complaints against Intel in this or other federal district courts asserting claims substantially similar or identical to those asserted in the Complaints;

WHEREAS, on March 7, 2007, this Court entered an order granting Intel’s Motion to Dismiss Class Plaintiffs’ Foreign Conduct Claims (the “March 7, 2007 Order”) (D.I. 300 in No. 04-485), and on July 12, 2007, this Court entered an order granting in part and denying in part Intel’s Motion to Dismiss the First Amended Consolidated Complaint (the “July 12, 2007 Order”) (D.I. 411 in No. 04-485);

WHEREAS, on December 5, 2006, July 12, 2007, and July 31, 2007, Intel served document requests and interrogatories (collectively, “Intel’s Discovery Requests”) on Class Plaintiffs, and the Class Plaintiffs have served their responses thereto and produced certain responsive documents;

WHEREAS, by Order dated November 29, 2007 (D.I. 534 in No. 04-485), Class Plaintiffs’ opening class certification brief is due to be filed on or before March 14, 2008;

WHEREAS, Class Plaintiffs and Intel seek to minimize the burden on this Court and the parties, and to avoid unnecessary delay, resulting from the addition to this MDL litigation of plaintiffs asserting class action claims identical or substantially similar to those asserted in the First Amended Consolidated Complaint;

NOW THEREFORE, the parties, through their respective counsel, and subject to the Order of the Court, hereby stipulate and agree as follows:

1. The Complaints and any subsequent, substantially similar complaints on behalf of a class that is the same or substantially the same as, or a subset of, the class defined in the First Amended Consolidated Complaint (collectively, the "New Complaints") filed in or transferred to MDL No. 05-1717 shall be deemed subject to the March 7, 2007 Order and the July 12, 2007 Order for purposes of all proceedings in MDL No. 05-1717 and any appeals.

2. The plaintiffs named in the New Complaints shall respond to Intel's Discovery Requests within thirty (30) days of the later of (a) the entry of this Stipulation and Order, or (b) the filing in, or transfer to, MDL No. 05-1717 of the New Complaint.

3. The plaintiffs named in the New Complaints are subject to the April 27, 2006 Court Order appointing the Special Master in these litigations and all decisions rendered pursuant to that order, for purposes of all proceedings in MDL No. 05-1717 and any appeals, to the extent they would have been subject to such Order and decisions had they been named plaintiffs in MDL No. 05-1717 at the time such Order and decisions were entered.

4. The plaintiffs named in the New Complaints shall accept Intel's Answer to the First Amended Consolidated Complaint (D.I. 434 in No. 485) as a full and complete responsive pleading required under Fed. R. Civ. P. 12 to each of the New Complaints, and Intel shall not be otherwise required to respond to the New Complaints.

5. The plaintiffs named in the New Complaints shall be bound by all other stipulations and agreements among the parties and between the parties and third parties in MDL No. 05-1717 to the extent they would have been bound by them had they been named plaintiffs in MDL No. 05-1717 at the time the stipulations and agreements were executed.

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Dated: December 17, 2007

SO ORDERED, this 20 day of December, 2007.

Joseph J. Auman
U.S.D.J.